UNIVERSITY OF PENNSYLVANIA

COMMUNITY FORESTS AND PARKS IN PENNSYLVANIA

AN ESSENTIAL PORTION OF
A DISSERTATION
IN POLITICAL SCIENCE

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL OF THE
UNIVERSITY OF PENNSYLVANIA IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

THOMAS NOEL STERN

PHILADELPHIA
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Abstract of Dissertation

T. Noel Stern

This manuscript contains six essential portions of a dissertation in Political Science on local government forest and woodland park administration in Pennsylvania. The dissertation was presented to the Faculty of the Graduate School of the University of Pennsylvania in partial fulfillment of the requirements for the degree of Doctor of Philosophy. The original manuscript consisted of 160 typewritten pages and contained a preface, six chapters and a bibliography. It has been microfilmed in duplicate and placed in the Library of the University of Pennsylvania.

One third of the original dissertation is included in the present publication. It comprises three complete chapters (I, III and VI,) and summaries of three others (II, IV and V,). The preface, bibliography and complete texts of Chapters II, IV and V have not been printed.

Major objectives of the survey are presented in Chapter I, suggesting a plan for expanded and intensified community forest and park administration in Pennsylvania. The introductory chapter also defines the nature, importance and extent of community forestry in Europe and the United States. Following one of the major objectives, Chapter III lists and evaluates the Pennsylvania statutes pertaining to community forests, and suggests improvements in legislation. The last portion printed in full was Chapter VI, which set forth the findings of the thesis and recommendations for a future program.

The concluding chapter, together with excerpts from II, IV and V, summarize portions which have been omitted. Chapter II stressed the present stage of development of the community forest situation in Pennsylvania. Evidence on the relationship of community forestry to population and geographic factors was presented in statistical tables and maps. In Chapters IV and V the financial and economic aspects of an expanded program were considered. Existing and proposed methods for acquiring and financing local forests appear in Chapter IV. An appraisal of opportunities for deriving forest and recreational revenue and of obstacles to profitable development is found in Chapter V. Financing is shown in terms of several communities selected as examples. Of the 17 statistical tables in the original manuscript, 16 have been omitted from the present manuscript. The four charts in the original have likewise been omitted from the printed copy.

Methods and sources used in the study were set forth in the preface. The thesis has a bibliography of 19 pages.

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CHAPTER I

NATURE AND IMPORTANCE OF LOCAL GOVERNMENT FORESTS

Although the movement for community forests and woodland parks has shown a constant tendency to increase during the last few years, the literature on the subject has been almost entirely in the form of short articles and pamphlets.[1] Information was scattered and obtainable largely from oral interviews with foresters and government officials. Little attempt, moreover, had been made to present the subject from the point of view of political science or local government administration. Consequently an effort has been made in this report to gather together all available data on the administrative aspects of community forestry in the Commonwealth of Pennsylvania. It was hoped that this would lead to future studies which would be comprehensive in nature, and which would cover a wider area.

Objectives of Report

The primary objects of the report may be listed as follows:

a. Outline the nature, importance and development of community forests and woodland parks.

b. Analyze the present community forest situation in Pennsylvania, with particular reference to the relationships between population, geography, and the community need for local forest services.

c. Compile the legislation in the Pennsylvania statute books which governed the establishment and operation of municipal woodlands. Note the significance of these laws, and show to what degree their provisions were adequate for the development of scientific forestry program.

d. Study the procedures which could be used by local authorities in acquiring and financing community woodlands.

e. Present the methods which have been used in the past in the exploitation of woodlands, and which were advanced by foresters and others for the operation of community tracts on a revenue producing basis.

f. Indicate the desirability and feasibility of community forests in Pennsylvania.

It was believed that a report of this nature would be of value to planners, municipal officials and lay leaders in communities, in an expanded program in Pennsylvania, and perhaps in other states.

Community Forests Defined
Recreational Woodlands Classed as Community Forests

A number of questions were asked by people who attended recent meetings to advance and expand the community forest and woodland park program in Pennsylvania. These questions revealed a deep interest in the movement, but also the need for a precise definition of community forests in order that educational activity might be directed along coordinated lines.

There was marked disagreement over the place of recreational woodlands in the community forest picture. The majority of men in the forestry profession and many lay conservationists held that the primary purpose of a community forest was to grow timber for harvest. When the primary purpose of a woodland was recreation they did not consider it a community forest in the accepted sense of the phrase.

Another group however, held that recreational woodlands could be termed community forests. Among those of this view was Dr. Nelson C. Brown, who provided most of the research for the pamphlets issued by the United States Forest Service on community forests in the last few years. A similar position was taken by the Pennsylvania Department of Forests and Waters when it tabulated statistical data on local government woodlands.

The present report recognizes a clear technical distinction between municipal forests used primarily as timber farms, and other wooded areas maintained principally for their recreational value. However, for the sake of simplicity, both parks and timber farms, are called "forest" in the text.

Other questions which troubled community forest meetings were: Was a community forest or park a plantation of evergreens on a city watershed? or was it an established natural growth used for the conservation of wild-life and game? In what way did it benefit the community? in lumber supply, or recreation or scenic beautification? What kinds of communities owned forests?

Local government woodlands could be a combination of parks, watersheds, plantations, natural timber stands, and/or game preserves. As defined in the present study, they were tracts of wooded land owned by units of local government, which were maintained primarily for the benefit of communities in these local government units. The Forest Service of the United States Department of Agriculture explained that, "They are properties owned and operated for forestry purposes by a village, city, town, school district, or county. They may be locally known as town, city, or municipal forests, watershed forests, or ornamental forests."[2]

Extent of Community Forestry

To gain an adequate picture of the importance of local government forestry, one had to study not only the reasons why it was advocated, and the practical uses which it served, but also the extent to which local forests had developed in the United States and throughout the world. In Switzerland more than three-fourths of the country's forested area was owned by communes and other political subdivisions.[3] Bulgarian municipalities owned one-half the woodland. Forty-three per cent of Italian forests, twenty-seven per cent of French, and twenty per cent of German, were also in communal ownership, according to a recent report.[4] Local forestry has, in fact, been found in every European nation with the possible exceptions of Esthonia, Latvia, and Lithuania. Community forests were reported in Japan, where they comprised over fifteen per cent of all wooded territory in 1923. This percentage would have been much larger had temple forests been included. Local government forests also existed in Asia Minor, in Canada to a certain degree, and in various other parts of the world.[5]

Estimates of the number and area of local government forests in the United States have undergone considerable change in the past few years. The Copeland Report (1933) put the number of municipal woodlands at 860, with an area of 473,765 acres.[6] The latest (1939) estimates place the number of

community tracts at approximately 1,500, with an area of about 3,000,000 acres.[7] This acreage expansion was attributable in part to the increase in Wisconsin local forests from 460,521 acres in 1933[8] to 1,757,847 acres in 1938.[9]

The ratio of community forests in the United States to the total forest lands of the country appeared small when compared with the ratios for European countries or Japan. Of all wooded areas in the United States, privately owned lands comprised 68.24 per cent, federally owned 29.25 per cent, and state 2.05 per cent. County, town, and other local forests formed only 0.48 per cent of the total acreage.[10]

Although there were no complete statistics on the number of community forests by states or their acreage, the following represents the most recent figures available:

TABLE 1

FEDERAL REPORTS ON COMMUNITY FORESTS BY STATES 1/

State	Number 1937	Total Acres 1937	Number 1939	Total Acres 1939
(1)	(2)	(3)	(4)	(5)
Alabama	5	4,400	3	-----
Arizona	3	14,254	---	-----
California	158	65,241	---	-----
Colorado	---	-----	2	-----
Connecticut	23	29,910	19	-----
Florida	2	1,280	1	-----
Georgia	5	1,103	25	-----
Illinois	7	36,557	10	-----
Indiana	2	6,150	10	-----
Iowa	---	-----	4	-----
Kentucky	---	-----	2	-----
Louisiana	---	-----	3	-----
Maine	8	1,284	25	2,000
Maryland	7	26,040	4	-----
Massachusetts	125	42,000	177	169,800
Michigan	45	3,495	112	10,568
Minnesota	1	3,000	6	-----
Missouri	21	9,432	5	-----
New Hampshire	83	17,260	102	-----
New Jersey	6	66,600	10	-----
New York	390	188,884	579	200,000
North Carolina	37	43,851	37	-----
Ohio	21	27,905	25	-----
Oregon	36	479,011	---	-----
Pennsylvania	34	30,768	134	50,000
Rhode Island	1	12,000	5	-----
South Carolina	1	10,436	3	-----
Tennessee	4	4,744	---	-----
Texas	---	-----	5	-----
Utah	1	4,000	4	-----
Vermont	42	10,000	44	10,000
Virginia	---	-----	3	-----
Washington	---	-----	3	-----
Wisconsis	25	1,750,000	174	1,757,847
TOTAL	1,097	2,889,605	1,156	-----

1/ Sources: Reports for 1937 from the United States Forest Service, Community Forests (mimeographed bulletin) 1937, table, p. 16.

As shown by Table there were 30 states listed as having community woodlands in 1938 as compared with 27 in 1937. Figures for the number of forests in each state were based upon incomplete state returns. Four of the states originally listed have been omitted in 1939. The omission was probably due to tabulations now being made in these states and was attributable to the renewed interest in the subject.[11]

Summary

This chapter presented the objectives of the report, as well as the objectives, nature and importance of community forestry. It was the purpose of the report to compile in one source the materials basic to a plan for an expanded community forest program in Pennsylvania.

Municipal woodlands were important because of their effect on public conservation of natural resources, and on the administration of local government. They offered multiple economic, political and social advantages, which were implicit in the very definition of community forests. However, at the time of writing, only a small fraction of the public forests in the United States were owned by communities. In other countries, such as Switzerland, a large percentage of all wooded land was in communal ownership. Thus community forest management in the United States gave evidence of great potential value, rather than of extensive practice at the present.

1) See bibliography, p. 140.
2) United States Forest Service, Department of Agriculture, Progress Being
3) Letter received from Dr. Nelson C. Brown, Professor of Forest Utilization, New York State College of Forestry at Syracuse University, December 15, 1939. In 1937 and 1939 Dr. Brown made studies of European community forests. He also made a survey of American local tracts in 1937-38 for the United States Forest Service. Dr. Brown has written authoritatively on the subject in scientific and popular journals and for United States Forest Service publications.
4) United States Forest Service, Community Forests in the United States, (mimeographed) Bulletin B-26, 1939, p. 16.
5) Raphael Zon and William N. Sparhawk, Forest Resources of the World, 1923, Vols. I and II, passim. The authors included acreage and percentage figures of forest in community and other types of ownership for most countries. Although Zon and Sparhawk published their survey, it received the official sanction of the United States Department of Agriculture, where both were employed in forest research.
6) Copeland Report, tables, p. 845, 847.
7) United States Forest Service, Nelson C. Brown, collaborator, Community Forests, booklet, 1939, p. 3. In 1937 the United States Forest Service found 1,097 local forests containing 2,889,605 acres. See Table I and footnote, p. 3. A year later, in 1938, the United States Forest Service estimated the number of properties at between 1,500 and 2,000 with 3,000,000 acres as the figure for total area. See Federal Forest Service, Progress Being Made in Community Forests, p. 1.
8) Copeland Report, p. 847.

9) According to the Wisconsin Conservation Department booklet, The County Forests of Wisconsin, 1938, p. 2, there were 1,746,647 acres of county forest land. The United States Forest Service booklet written by Nelson C. Brown, Community Forests, p. 17, reported an additional 11,200 acres of school forests for Wisconsin.

10) See Table II. Cf. the first of two charts following p. 13, United States Forest Service, Progress Being Made in Community Forests, where percentages of public and private woodland acreage were given for the United States.
Reports for 1939 found in text, United States Forest Service, Nelson C. Brown, collaborator, Community Forests (printed booklet, foreword by Franklin D. Roosevelt), 1939, p. 3-4, 16-17; and in United States Forest Service, Community Forests in the United States (mimeographed bulletin) B-26, 1939, see list, p. 2, and text, p. 16-18. The Federal Forest Service gave no totals for the 1939 reports, although it published estimates for the number of community forests in the United States, both reported and unreported, and their acreage. Due to the fact that the Forest Service of the United States Department of Agriculture has issued a succession of bulletins and other literature on the subject, with similar titles, and often without indication of the date of publication, readers may be confused when literature in this valuable series is cited.

11) Upon inquiry the author obtained information from state foresters of two of the states included in the federal tabulation of 1937, but omitted from the 1939 list. State Forester M. B. Pratt of California wrote on March 23, 1938: "We regret to inform you that we are at this time trying to determine for ourselves just what does exist in the way of true community forests in California. In spite of the fact that our personnel compiled the basic data quoted in the government publication 'Community Forests', we feel that the condensed term used does not give a true picture of the situation in the State. . . . . For our own part, we do not agree that our recreation and watershed land should be included with the community-owned and managed timbered forests of the East."
The Oregon State Forester, Mr. J. W. Ferguson, sent a letter on April 11, 1938, stating that "the matter of community forests is rather new in this State. . . . . Our only guide at the present time is publications which have been issued by the United States Forest Service."

CHAPTER II

Summary

It was the purpose of this chapter to bring together and analyze the facts on the community forest situation in Pennsylvania. In the Commonwealth nearly three per cent of the government lands were under local control, as compared with one and a half per cent in the United States as a whole. The size of local woodlands in Pennsylvania varied from two acres in several communities to 22,789 acres belonging to the City of Philadelphia. In that city the first local forest of which there was record in Pennsylvania, was established in 1812.

The principal uses for local forests were watershed protection, recreation, and timber production. Most of the local forests were owned by boroughs and cities. Those owned by counties and townships formed a negligible part of the known community woodlands.

Primary forest use, total acreage, and average area per population class varied with the number of inhabitants in communities owning woodlands. Information on the median acreage belonging to different classes of owners was essential in determining typical forests, and the type of use to which they were adapted. Such information helped community leaders in planning future development. Arithmetic mean areas served in the estimate of unreported acreage. Although there were little data on the secondary uses of established community forests, every timber tract was really of multiple use to its owners.

It was found that local timber tracts tended to gravitate toward units of largest population in regions of greatest population and wealth. These were the sections of the Commonwealth possessing least State and Federal woodland acreage, and least government forest land per citizen. Future community development was to be expected in the same area. There was less chance of progress in economically receding regions where the largest Federal, State, and private forest acreage was found, but where social and economic problems were so great that the cost of governmental services could not be supported by local sources.

Knowledge of existing community holdings was inadequate because complete survey had not been made of all sources. For example, no school and hardly any township forests were tabulated at the time of writing. A scientific census of community forests, supplemented by a detailed study of tax properties held by county governments, would completely alter the picture in regard to ownership and management of wooded property by local political units. In any event, it was evident that present estimate as to the number of municipal tracts and their acreage was conservative.

CHAPTER III

PENNSYLVANIA LEGISLATION

It was not generally known that local government forestry had a long history and significant development in Pennsylvania. Indeed, many persons believed the idea was so new that there could not have been time to make statutory provision for it. This lack of knowledge complicated the problem of community forest education. Local officials often were receptive to the suggestion that multiple-use and sustained-yield administration be adopted in their community when its technique and advantage were outlined, but demanded information as to its legality. "Is there any law permitting us to do this?" was one of the first questions to be met.

Enactments of the Pennsylvania Legislative Assembly making possible and governing local forest projects were passed at various times since 1815 or earlier. Legislation relating specifically to community forestry dated from 1909.[1] There was great diversity in the provisions of the laws. Some were enacted as part of the county, city, borough, township, school and administrative codes, and in the public utilities law. Others were adopted as special acts. Community forests could be established as "municipal" and county forests, as parks, trusts, school and work-house grounds, water company watersheds, and municipal authority projects.

Use of all the laws permitting these forms of organization was not confirmed by available information. Nevertheless, it indicated ownership of a number of tracts under the water company and park laws, two as municipal forests, two under the municipal trust laws, one as a county work-house, and none under the county forest law, the municipal authorities act, and the 1937 Public Utilities Law. Although many woodlands were believed to exist on school district property, none was reported.

City, Borough, and Township Forest Laws

The "Municipal Forest Law", passed in 1909, provided for the practice of forestry by cities, boroughs, and first class townships. With only slight modification in content and phraseology, it was incorporated in the codes for third class cities, boroughs, and first and second class townships,[2] when these were enacted. The original Municipal Forests Law still governed first class, second class, and second class A cities.

The preamble to the Act of 1909 clearly revealed the philosophy motivating the earlier generation of conservationists who framed it. Actually the law presented the theory of community forestry in statutory form. Its provisions were carefully designed for the practice of local government forestry on the European plan. Since they were reenacted with only minor variation, in later legislation, the act is cited in full:

> "Whereas, it has been demonstrated by time and experience in the countries of continental Europe that properly managed municipal forests have proved to be important sources of municipal revenue, tending greatly to reduce the burden of municipal taxation; and
>
> "Whereas, many of the townships, boroughs, and cities of this Commonwealth are so located that it would be proper and expedient

for them to possess tracts of land to be used for the purpose of municipal forests, in many instances conserving and protecting the water supply and promoting the healthfulness of said municipality, and capable, as well, of yielding revenue applicable to the purposes of such municipalities; therefore:--

"Section 1. Be it enacted, & c., That all townships of the first class, boroughs and cities of this Commonwealth are hereby empowered to acquire, by purchase, gift, or lease, and hold as the property of the municipality, tracts of lands at present covered with forest or tree growth, or suitable for the growth of trees and to administer the same, under the direction of the Commissioner of Forestry of the Commonwealth of Pennsylvania, in accordance with the practices and principles of scientific forestry, for the benefit and advantage of the said municipalities. Such tracts may be of any size suitable for the purpose, and may be located either within, adjacent to, or at a distance from the corporate limits of the municipality purchasing the same: Provided, That it shall be requisite for the commissioners, burgess, or mayor of any municipality, availing itself of the provisions of this act, to submit to the Commissioner of Forestry, and secure his approval of, the area and location of any lands proposed to be acquired for the purpose of municipal forests, previous to the passage of the ordinance provided for in section two.

"Section 2. Whenever the township commissioners of any township of the first class, or the Councils of any borough or city, shall deem it expedient for the municipality to acquire any such lands for the purposes of a municipal forest, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action; which said proposed ordinance prior to its passage shall be duly advertised once a week for three weeks and after its passage and approval in accordance with existing law. All money necessary for the purchase of such tracts shall be appropriated in like manner as is now done, under existing law, for municipal purposes; and such funds may be provided out of current revenue, or by the proceeds of a sale of bonds, in accordance with existing law.

"Section 3. Upon the acquisition of any municipal forests or of lands suitable for such, under this act the proper authorities shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary. The municipal authorities shall thereupon publish such rules, declare the uses of the forests in accord with the true intent of this act, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient.

"Section 4. All moneys necessary to be expended, from time to time, for the administration, maintenance, protection, and development of said forest, shall be appropriated and applied as is now done under existing law, for municipal purposes; and all revenue and emoluments arising from said forest shall be paid into the municipal treasury, to be used for general municipal purposes.

"Section 5. The municipal forest may be used by the people for general outing or recreation grounds, subject to the rules

governing its administration in which the major idea shall be the sale of forest products for producing a continued municipal revenue.

"Section 6. The alienation of municipal forest, or any part thereof, shall be made only in the manner prescribed herein for the purchase of the same; to wit, by ordinance duly advertised before and after passage, but such ordinance shall not be effective in legalizing such alienation until after it shall have been approved by a majority vote of the people at the next ensuing election."

All the local government codes containing sections on woodland management[4] had as their major purpose the establishment of tracts to produce a continuing revenue from sale of forest products under scientific administration, i. e., "sustained-yield" forests. It was provided that land could be acquired by purchase, gift, or lease, inside or outside the municipal limits,[5] although no provision was made for joint acquisition with other municipalities. The site proposed for acquisition, according to law, had to be approved by the Secretary of Forests and Waters.[6] But this provision has been applied only in the case of two municipalities.[7]

State Supervision

Another provision of the law, which has not been used, was that the Secretary should formulate rules necessary for scientific woodland administration. However, the council could independently "make such provision for (the forest's) administration, maintenance, protection, and development as shall be necessary and expedient", if its ordinances did not conflict with rules of the Department of Forests and Waters.[8] Since 1909, though, the Department has issued virtually no regulations, and has left administration of municipal forests almost entirely in hands of local officials.[9]

Establishment and Management

Money for acquisition of land was to be appropriated from current revenue or from the proceeds of a sale of bonds.[10] Income from, and expenditures on, the woodlands were to be treated as regular municipal revenues and appropriations.[11] Although the sale of forest products was to be the primary aim of localities, some provision was made for multiple use, since the tracts were allowed to be used for recreational purposes.[12]

Approval by majority vote of the local electorate was required when cities, boroughs, and townships desired to sell or otherwise dispose of their tracts. Such approval was required in the case of second class townships before any sort of action could be taken regarding alienation, management, or acquisition of their property, although they were permitted to receive lands in gift without electoral vote.[13]

Legal provision was made in 1923 that officers of counties, cities, boroughs and townships might[14]

. . . . .appropriate moneys from their respective treasuries to any forest protection association cooperating in forest work with the State Department of Forestry, or to be expended in direct cooperation with said Department of Forestry in forest work.

Without alteration, this provision was incorporated in the local government codes discussed above,[15] although the original law still applied to first and second class cities and to counties. It was important to the present discussion

in that it allowed localities freedom to cooperate with, and expend moneys through the agency of, private associations and the State Government in administering their own tracts.

Tax Laws

None of these acts made provision for the purchase of tax-delinquent lands. However, the County Forest Law and a number of earlier acts permitted the permanent or temporary acquisition of tax properties. As has been noted above, temporary transfer of title often endured for many years.[16]

Although not all the tax sale laws can be considered, a few may be discussed.[17] The Municipal Lien Law permitted County Sheriffs to auction delinquent properties with authorization of the county court. It provided that:[18]

> Any county, municipality, township, or school district being a claimant shall have the right, and is hereby empowered to bid and become the purchaser of the property at (a sheriff's) sale . . . . .

Sales could also be made by County Treasurers. Seated lands which had become delinquent could be sold at auctions held by the County Treasurers after "the first Monday of August in the second year succeeding the year in which the respective taxes were assessed and levied." However such sales could be "adjourned or readjourned at any one time and from time to time for a longer period, but in no case . . . . beyond the date of the actual holding of the first subsequent sale for any other year's taxes . . . ."[19] In the case of unseated land, it was sometimes possible for tax-delinquent properties to be sold within one year. Nevertheless, since sales could be held only on the "second Monday in June" of even years, it might take three years before the County Treasurer auctioned the land.[20] If sufficient were not bid to pay taxes and costs, the County Commissioners were empowered to bid off the same, without payment of any charge.[21] After expiration of the redemption period of five years for unseated land or two years for seated, the Commissioners could offer the land at public or private sale.[22]

Here again it frequently happened that no bids were received.

Another type of unit which could sell and purchase tax lands was the city. In the case of third class cities, sales were made by the municipal treasurer. The Third Class City Code provided that the :

> . . . . .city shall have the right to bid, at any such sale, the amount of taxes and costs, and, if necessary, purchase such lands.[23]

County Forests Law

Although the County Code lacked provision for the establishment of sustained-yield, multiple use forests, as did the codes for smaller subdivisions, the County Forest Law answered the need in part. Seated and unseated tax-deliquent land could be converted into county woodlands without cost, under the act of 1933.[24]

County forests were defined by the law as "lands organized systematically for the purpose of facilitating proper management for forestry and recreational purposes".[25] Thus, sustained-yield was not necessarily to be the major purpose of these woodlands, as with city, borough, and township tracts, and emphasis was placed on multiple use.[26] However, it was clear that county forests were to be organized systematically and managed properly.

Procedure for Acquisition

The legal procedure for acquisition of county forests was described by the act as follows:[27]

> Section 2. Whenever any seated or unseated lands are sold at a county treasurer's sale to the county commissioners and said lands are not redeemed within a period of two years as provided by law, the county commissioners may, if the Department of Forests and Waters or Board of Game Commissioners within one year do not record with the county commissioners a desire to acquire such lands for State forests or State game lands, retain such lands as county forests . . . .
>
> Section 3. . . . . In case the county commissioners desire to retain and hold such lands as county forests. . . they may, after holding such lands for a period of two years after the county treasurer's sale, advertise such lands separately for sale in the manner provided by law for the advertising of sales for taxes by county commissioners . . . .
>
> Section 4. If, at the time of such sale, sufficient is not bid on such lands to pay taxes, penalties, interest, and costs due thereon by the owner, lien creditor, the Department of Forests and Waters, the Board of Game Commissioners, or any other person, the lands shall be sold to the county commissioners without any consideration or money charge. . . . Such sale shall discharge all liens of record against such lands. . . .

Although restrictions were placed on the type of land acquired and the manner in which it could be acquired, county commissioners were able to act independently in the selection of parcels of land, and in deciding what parts of the county they felt best suited for community forestry.

A large degree of independence was permitted commissioners in administration, although they were bound by the definition of "county forests" quoted above. The enactment provided that:[28]

> The county commissioners shall have full power to develop any lands so held and retained as county forests, and, for such purposes, to employ persons, especially those unemployed and who are in need of public assistance, to sell any forest products found or produced thereon, and to lease areas thereof or buildings thereon at such prices or rentals as may be agreed upon.

This gave counties power not only to sell forest products, but also to rent camp sites and cabins, and to charge fees for the use of other recreational facilities.

The Department of Forests and Waters was not to lay down rules of procedure as was provided in the Municipal Forests Law and in amendments to local codes based upon it.[29] However, it was stipulated that:[30]

> The Department of Forests and Waters and the Board of Game Commissioners shall assist, advise and cooperate with counties in the development of county forests, and may furnish technical assistance free and also nursery stock for planting in such county forests for forest plantations and game cover, as the case may require, at a price not exceeding the cost of production.

Unlike other legislation permitting local government forestry, the County Forest Law recognized the need for assistance by the State Game Commissioner in a rounded program.

Payments in Lieu of Taxes

Another distinctive feature of this law was that it required a two-cent per acre payment in lieu of taxes to school districts and also two cents per acre to townships within which the forest was located.[31] The total payment per acre of four cents was less than that made by the Commonwealth for state and national forests and for state game lands, since the Pennsylvania Government had to pay an extra cent an acre to the county within which the forest was situated.[32]

Advanced though the County Forests Law was in certain respects, it contained a most important omission: No provision was made for acquisition of non-deliquent land by purchase or gift, or by means of a loan. However, the sections relating to parks in the County Code[33] and legislation providing for parks in first class counties[34] offered other means for accomplishing the same end, through the establishment of parks.

Public Utilities Law

In the "Public Utilities Law" of 1937 all municipal corporation i. e., "all cities, boroughs, towns townships, or counties" and other local corporations established for the purpose of performing public service[35] could "acquire.....facilities for the rendering or furnishing to the public of any public utility service beyond its corporate limits. To do this they had to secure the approval of the Public Utilities Commission.[36] This allowed all local units except school districts to buy water company forests. Provision was made for independent ownership, not only by townships, but also by counties for which no provision existed elsewhere. However, the law was limited to municipalities with facilities which furnished service beyond their limits. A previous law of 1913, repealed by the 1937 enactment, had allowed counties and other political divisions to acquire and operate property when there was already another public or private water company established inside the community.[37]

Towns, boroughs, cities, and "districts" in which private water companies were located could condemn and appropriate these companies after they had been in existence for twenty years, by act of 1874.[38] The act was repealed as to cities of the third class in 1889.[39]

Water Supply District Law

Municipal watersheds could also be acquired under terms of the 1931 "Water Supply District Law".[40] This enactment permitted the creation of local water districts which could be co-terminous with one or more political subdivisions, or include parts of the same. They could cover areas in more than one county. A district was to be created by the court of common pleas of the county, or one of the counties, in which the district was to be located, upon petition of property holders. The court was to appoint a board of three directors.[41] Powers of directors were to include the making of contracts and appointing of personnel, levying of a tax as high as three mills, acquiring and appropriating of land, and incurring of debt.[42]

Municipal Authorities Act

There was an alternative law available to various types of local political units, which could be used for the establishment of community woodlands. This was the Municipal Authorities Act of 1935 and 1937.[43]

The law was passed to permit local governments to construct public improvements. It was designed so that counties, cities, boroughs, and townships could avail themselves of Federal credits and grants.

The Authorities Act provided that:[44] "Whenever the municipal authorities of any municipality, singly, or of one or more municipalities jointly, shall desire to organize an authority under this act", they were to adopt a resolution or ordinance, publish it, and file articles of incorporation with the Secretary of the Commonwealth.

In defining the general purposes and powers of municipal authorities, nothing was said of forestry projects. However, the law stated that:[45]

> Every Authority incorporated under this act shall be a body corporate and politic, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining, and operating, owning, leasing, either in the capacity of lessor or lessee, buildings to be devoted wholly or partially for public purposes and for revenue-producing purposes, ... parkways, ... projects, parks, recreation grounds and facilities, ... water supply works, swimming pools, playgrounds, lakes, dams . . . . . (any and all of the foregoing being herein called "projects").

It has already been shown that community forests could be organized as parks and recreational grounds and facilities.[46] Water supply works and parkways, itemized as projects in the act cited, were often found to be best developed in connection with community forests. Although it was a bit ambiguous for the law to define a "project" in terms of itself, as was done in the Municipal Authorities Act, it was, nevertheless, apparent that the items set forth were to be considered as projects.[47]

Powers of Authorities

Municipal authorities might have a life of 50 years and issue bonds to be repaid in 40 years. They were to be established as quasi-public corporations which could make all types of contracts and which could sue and be sued. Not only could they borrow money and spend funds in any legal manner, but they also had the right to charge fees for the use of their facilities and to demand payment for the sale of products. There was no limit on the borrowing capacity of authorities as in the case of the state and its subdivisions. Borrowing capacity was limited only by the extent of the authority's assets and the demand for its notes and bonds. Contracts could be made with Federal agencies and with public and private corporations within and outside the state, provided the authority considered the contract essential for the operation of a project or projects.[48] Powers granted to these quasi-public bodies included also freedom from taxation[49] and the right of eminent domain.[50]

When the authority was incorporated by only one municipality, the Governing Board was to consist of five local citizens, appointed by the municipality sponsoring the authority. When it was created by two or more municipalities, there would be at least one board member for each local unit.[51]

Question of Legality

Since the act has been contested in the courts, there was confusion on the part of the public regarding its legality. Issues were somewhat further obscured by the connection of the Municipality Authorities Act with the General State Authority Act,[52] which has been the source of much dispute in court and out.

The Allegheny County Authority Act[53] was passed in 1933, and resembled the present Municipal Authorities Act in many respects, since it incorporated much of the text of the earlier act. In "Tranter vs. Allegheny County Authority et al",[54] it was charged that the law of 1933 violated the state constitution which limited the power of a municipality to incur indebtedness.[55] However, the Pennsylvania Supreme Court rendered a decision favorable to the act, on the ground that expenditures of the authority were made from current revenues.

The Municipal Authorities Act of 1935 extended powers of the Allegheny County Authority to governmental subdivisions throughout the state. Passed on the same day and written in almost identical language, was the General State Authority Act applying to the Commonwealth government.[56] The latter was declared unconstitutional by the State Supreme Court in January of 1936, on the ground that it authorized "creation of indebtedness on the part of the Commonwealth in excess of the constitutional limitation."[57] The court reversed itself by unanimous vote a year later, stating, as it had done in the Allegheny County decision, that the General State Authority Act provided only for payment of obligations from current revenue. It, therefore, did not really violate constitutional debt limitations. Nevertheless, to forestall further attack, both the General State Authority Act and the Municipal Authorities Act were amended to provide that, in case of default on debt by an authority, receivers could not sell its assets.[58]

Act Upheld

Despite this amendment, the Municipal Authorities Act again suffered attack in court on the ground that it allowed violation of constitutional debt limits. It was also charged that it violated seven other points in the state constitution and the 14th amendment to the Federal Constitution. However, the State Supreme Court ruled none of these charges valid.[59]

Zoning Laws

Another type of law useful in the establishment of community forests, was the zoning laws. They granted broad power in the regulation of land use, water conservation and other public purposes. The county code specifically provided for the control of forest lands.[60]

> The Board of County Commissioners of any county is hereby empowered. . . . .by ordinance, to regulate in any portion or portions of such county which lie outside of cities, boroughs and townships of the first class . . . . .the density and distribution of population, ... and the uses of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry and other purposes.

Such action could be taken[61]

> . . . . .for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the State of Pennsylvania, including amongst other things . . . . .promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for . . . . .water flowage, water supply, drainage, sanitation, ... recreation, soil, ...protection of the tax base . . . . .

Thus a county in a Problem Area could zone new population out of a district; forbid the erection of industries as dangerous to public health or pure water supply; and rule that the only land use which would fully protect the interest of the present and future inhabitants of Pennsylvania, was community forestry.

Provision, however, was made in the act that public hearings should be held on proposed zoning plans, and that a board of adjustment and the county court of common pleas should rule on protests of affected parties. In determining action of proposed plans, the Board of County Commissioners was required to consult with the Pennsylvania State Planning Board, and had the option of conducting public referenda.[62]

Similar powers were granted to second class townships. They were[63]

> . . . . .empowered to regulate and restrict . . . . .the use . . . . . of land for trade, industry, residence, or other purposes.

However the rights of the public were stronger under the second class township law than they were under the county code. The law did not merely indicate that referenda could be held, it stated that no action could be taken if a protest were filed by owners of 51 per cent of the assessed real estate in the township. On the other hand the Board of Supervisors were not required to cooperate with any state agency in drafting zoning plans and ordinances.

State Relations With Municipalities

Reference has been made to the tendency toward centralization of government in the United States and Pennsylvania.[64] To what extent was the administration of local woodlands removed from the authority of local government officials by Pennsylvania legislation? What provision was made for cooperation between the Commonwealth and the community in the conservation and improvement of municipal timber resources?

Many of the acts considered above gave no answer to these questions. The relationship of local political divisions to the Commonwealth was defined only in those laws concerned primarily with timber production and watershed protection. In the sections of the city, borough and township codes dealing with forestry, it was required that localities submit to rules and regulations of the Department of Forests and Waters. In the County Forests Law of 1933 assistance by the Department and by the Game Commission was made available. Approval of local water company policies by the Public Utilities Commission was made obligatory, under certain conditions, by the Public Utilities Law of 1937.

These provisions were supplemented by the Commonwealth Administrative Code, which provided for aid in park administration, forest fire protection, and water conservation. The Administrative Code gave the State Parks Commission power:[65]

> To make available, in its discretion, information on parks and recreational facilities, and to advise as to connections and relations between State parks and other parks within the Commonwealth.

To the Bureau of Forests was granted the right:[66]

> To enter into cooperative agreements with county, township, municipal and private agencies for the prevention and suppression of forest fires as provided by law.

It was also provided that:[67]

> The Department of Forests and Waters shall cooperate with municipalities in the construction and completion of projects and improvements for the conservation of water and the control of floods. For this purpose, the Department shall have the power to use and expend any funds advanced by municipalities under authority of law, on the projects and improvements, designated, when such funds are advanced, in the same manner as it expends any funds appropriated by the Commonwealth for similar purposes.

Cooperation with local governments was thus provided under most circumstances. Although aid in the general field of forest administration was not specifically designated, the code provided for cooperative action in fire protection. Moreover, silviculture and protection against both fire and disease were considered integral parts of water conservation and park management on wooded properties.

Conclusions on Legislation

Significant points regarding the powers of communities under the Statutes described may be summarized as follows:

1. Primary Use. The only laws mentioning the word "forest" were the Municipal Forest Law, the city, borough and township acts modeled upon it, and the county forest and zoning laws. No other enactments authorized tracts to be established primarily for forest purposes.

2. Multiple Use. The County Forest Law was best designed from the point of view of multiple use management. However, forests established under the water company, park, and other laws, have been used for secondary purposes.

3. Acquisition of Land. All laws permitted the purchase of land with the exception of the County Forest Law. This one act authorized appropriation without cost of delinquent properties. None of the laws, permitting the establishment of tracts primarily for forest purposes, allowed condemnation of non-delinquent property. Most laws authorized the leasing, and acceptance in gift, of forests. Counties and second class townships could condemn land only by establishing municipal authorities. Counties could acquire land outside their boundaries only under this act and the public utilities law. Widest choice in method of acquiring land was allowed by the water districts statute, the school code, and the municipal authorities act.

4. Revenue. All of the enactments provided for the raising of revenue by taxation, by charging fees and rents or by issuance of notes.

5. Appointed and Elected Executives. Administration of property by appointed officials was mandatory under the city trusts, water districts, municipal authorities, and first class city park laws. Under other park laws it was permissive. Elected officials were to determine policy for forests organized under other statutes.

6. Flexibility in Operation. Local public bodies had freedom of operation which came closest to that of private enterprise, when they were governed by the municipal authorities, city trusts, and water district laws.

7. Joint Action. Greatest liberty for joint action with other public and with private bodies was offered by the same acts. More limited freedom was allowed schools and park and water company authorities of certain communities. Tracts established primarily for forestry purposes could not be acquired or administered on a joint basis.

8. State Supervision and Assistance. Only in the case of forests established under the city, borough, and township forest laws and under the public utilities code was state supervision made obligatory. It was made available by the county forest and zoning laws and by the administrative code.

9. Electoral Approval. Electoral approval of all major transactions connected with parks and forests was required in second class townships. It was stipulated only in connection with a limited number of acts in the case of first class townships, boroughs and cities.

10. Lack of Active Pressure Group. It has been shown that many laws under which woodlands could be established made no mention of forests. Similar laws relating to different classes of communities often granted powers that were neither equal nor in proportion to the size and general powers of the community. The statutes were not part of a connected historical growth. Omissions were evidence of the fact that there was not at all times an active group in the state interested in all pending bills that might affect local government woodlands.

11. Alternative Means. Despite shortcomings in the statutes, existing legislation allowed communities a large measure of freedom in adapting forest management to local conditions. If they could not attain desired ends by means of one enactment, others existed which could be used.

1) The laws under which community forests might be established, or which governed their operation, could be listed as follows:

Forests

Municipal Forest Law, 1909, April 22, P. L. 124.
Third Class City Law, 1931, June 23, P. L. 932.
Art. XXXVII (c), Sec. 3830-7.
General Borough Act, 1927, May 4, P. L. 519.
Art. XXVII (c), Sec. 2750-7.
First Class Township Law, 1933, June 24, P. L. 1206.
Art. XXIX (c), Sec. 3040-8.
Second Class Township Law, 1933, May 1, P. L. 103.
Art. XIX, Sec. 1908-17.
County Forest Law, 1933, April 13, P. L. 35.

Tax Lands

Municipal Lien Act, 1923, May 16, P. L. 207.
1931, May 29, P. L. 280, as amended 1939, June 20, P.L. 498.
1815, March 13, P. L. 177.
1933, May 25, P. L. 1019.
Third Class City Law, 1931, June 23, P. L. 932, Art. XXV, Sec. 2575, 2580.
1903, March 30, P. L. 106.
1833, April 19, P. L. 9.

Parks

General County Law, 1929, May 2, P. L. 1278, Art. VIII, Sec. 650-6, 660-70, as amended 1935, April 18, P.L. 46.
Third Class City Law, 1931, June 23, P. L. 932, Art. XLVII, Sec. 3701-10.
General Borough Act, 1927, May 4, P. L. 519, Art. XXXIII, Sec. 2701-24.
First Class Township Law, 1931, June 24, P. L. 1206, Art. XXV, Sec. 3001-13.
Second Class Township Law, 1933, May 1, P. L. 103, Art. XIX, Sec. 1901-7.
1927, March 24, P. L. 56.
1867, March 26, P. L. 547, Sec. 2.
1903, April 24, P. L. 294, Sec. 1.
1915, May 28, P. L. 578, Sec. 1.
1868, April 14, P. L. 1083.
1913, April 17, P. L. 93.

City Trusts

1869, June 30, P. L. 2276.
Third Class City Law, 1931, June 23, P. L. 932, Art. XXVII, Sec. 3715, 18.

School Districts

1911, May 18, P. L. 309, Art. VI, Sec. 601-2, 26-7.

County Work Houses

General County Law, 1929, May 2, P. L. 1278, Art. 568.

Municipal Water Companies

1907, May 31, P. L. 355.
1917, May 3, P. L. 141.
1887, May 25, P. L. 267.
1907, April 15, P. L. 90.
1907, May 7, P. L. 167.
1937, July 1, P. L. 2637.
Third Class City Law, 1931, June 23, P. L. 932, Art. XXIV, Sec. 2401-62.
General Borough Act, 1927, May 4, P. L. 519, Art. XXIV, Sec. 2401-62.
First Class Township Law, 1931, June 24, P. L. 1206, Art. XXVII, Sec. 2710-2.
Second Class Township Law, 1933, May 1, P. L. 103, Art. XVI, Sec. 1606-7.
Public Utilities Law, 1937, May 28, P. L. 1053.
1913, July 26, P. L. 1374.
1874, April 29, P. L. 73.
Water Supply District Law, 1931, May 29, P. L. 215.

Municipal Authorities

Municipal Authorities Act, 1935, June 28, P. L. 463, as amended 1937, May 20, P. L. 739.

State Relations with Communities

Administrative Code, 1929, April 9, P. L. 177, as amended. Sec. 1803, 5, 22.

Not all the laws which have governed community forestry were in effect at the time of writing. Among these was the law of 1857 mentioned above. See p. 84, footnote.

A law providing for the sale of tax-delinquent land by County Treasurers (1815, March 13, P. L. 177) was of yet earlier date. Although the laws permitting tax sales are discussed on p. 68 et seq., they have not been included in the list above.

2) Municipal Forest Law, 1909, April 22, P. L. 124. The preamble to the original act, quoted above, was not enacted as part of the following laws, which included most of the provisions of the Act of 1909; Third Class City Law, 1931, June 23, P. L. 932, Art. XXXVIII (c), Sec. 3830-7; General Borough Act, 1927, May 4, P. L. 519, Art. XXVII (c), Sec. 2750-7; First Class Township Law, 1933, June 24, P. L. 1206, Art. XXIX (c), Sec. 3040-8; Second Class Township Law, 1933, May 1, P. L. 103, Art. XIX, Sec. 1908-17.
3) Municipal Forests Law, Sec. 109, April 22, P. L. 124.
4) This included all but the County Code.. However, the County Forest Law filled, in part, this gap. See p. 70.
5) Municipal Forest Law, Sec. 1 and 5; Third Class City Law, Sec. 3830 and 3834; General Borough Act, Sec. 2750 and 2754; First Class Township Law, Sec. 3040 and 3044; Second Class Township Law, Sec. 1909 and 1912.
6) Called Commissioner of Forestry in citation, above, Municipal Forests Law, Sec. 1; Third Class City Law, Sec. 3831; General Borough Act, Sec. 2751; First Class Township Law, Sec. 3041; Second Class Township Law, Sec. 1909.
7) Coudersport and Emlenton. Interview, R. E. Chamberlin, Division of Forest Management, Department of Forests and Waters, September 1939.
8) Municipal Forest Law, Sec. 3; Third Class City Law, Sec. 3834; General Borough Act, Sec. 2754; First Class Township Law, Sec. 3044; Second Class Township Law, Sec. 1912.
9) George H. Wirt, Chief of Division of Protection, interview.
10) Municipal Forest Law, Sec. 2; Third Class Citizen Law, Sec. 3833; General Borough Act, Sec. 2753; First Class Township Law, Sec. 3043; Second Class Township Law, Sec. 1901.
11) Municipal Forest Law, Sec. 4; Third Class City Law, Sec. 3835; General Borough Act, Sec. 2755; First Class Township Law, Sec. 3045; Second Class Township Law, Sec. 1913.
12) Municipal Forest Law, Sec. 5; Third Class City Law, Sec. 3835; General Borough Act, Sec. 2756; First Class Township Law, Sec. 3046; Second Class Township Law, Sec. 1913.
13) Municipal Forest Law, Sec. 6; Third Class City Law, Sec. 3837; General Borough Act, Sec. 2757; First Class Township Law, Sec. 3047; Second Class Township Law, Sec. 1915, 1917.
14) 1923, April 26, P. L. 90.
15) Third Class City Law, Sec. 3838; General Borough Act, Sec. 1202; First Class Township Law, Sec. 3048; Second Class Township Law, Sec. 1916.
16) See p. 59, regarding tax abatement.
17) A detailed study of Pennsylvania tax sale laws may be found in Blake E. Nicholson, Collection of Local Taxes in Pennsylvania, Commonwealth of Pennsylvania, Department of Revenue, Special Bulletin No. 1, 1932, Chap. V.
18) 1923, May 16, P. L. 207.

19) 1931, May 29, P. L. 280, as amended 1939, June 20, P. L. 498, Sec. 4. However taxes for 1934 and prior years for seated land, had to be paid prior to the first Monday of August 1940.
20) 1815, March 13, P. L. 177, 6 Sm. L. 299.
21) Power of commissioners to appropriate seated delinquent land was found in 1931, May 29, P. L. 280, Sec. 10 as amended. Power to acquire unseated land was granted by 1815, March 13, P. L. 177, 6 Sm. L., 299, Sec. 5. A court decision had been rendered to the effect that failure of county commissioners to bid the whole amount of taxes and costs assessed against an unseated tract would not invalidate the sale. (Devinney v. Reynolds, 1 W. & S. 328 (1814).)
22) The right of redemption gave the original owner power to buy back the property, within the specified period. Redemption and sale by the commissioners of unseated land were governed by 1815, March 13, P. L. 177, 6 Sm. L. 299, Sec. 6 and 7; of seated land 1931, May 29, P. L. 280, Sec. 16 and 17, as amended 1939, June 20, P. L. 498, Sec. 9. The amendment to the latter act reduced the time for redemption of seated lands purchased at Treasurers' sales after June 20, 1939, from five years to two. Private sale of either seated or unseated land could be authorized by order of the local court of common pleas under terms of 1933, May 25, P. L. 1019, Sec. 1-3, as amended 1935, July 18, P. L. 1168, No. 378, Sec. 1. The redemption period for unseated, as well as seated, land was only two years in this case. Under the Municipal Lien Law, the redemption period was only one year (1923, May 16, P. L. 207, Sec. 32).
23) 1931, June 23, P. L. 932, Art. XXV, Sec. 2575, 2580. In the case of the Second Class City, power was granted by 1903, March 30, P. L. 106, Sec. 1, 3; the Receiver of taxes was the one to sell property in the First Class City; see 1883, April 19, P. L. 9, No. 10, Sec. 4, 5.
24) 1933, April 13, P. L. 35. The act also made provision for transfer of delinquent lands to the State, in return for which the county was to receive a 25 per cent share of the woodlot's earnings under Commonwealth forest management.
25) ib., Sec. 1.
26) Cf., Sec. 5, Municipal Forest Law.
27) 1933, P. L. 35.
28) ib., Sec. 5 (b).
29) See p. 63-66.
30) 1933, P. L. 35, Sec. 5 (c).
31) Sec. 5 (a).
32) 1929, May 17, P. L. 1798; and 1937, June 3, P. L. 1225, Sec. 905. Schools and townships also received twenty-five per cent of earnings of national forests from the Federal Treasury, through the Pennsylvania State Treasurer; see 1925, April 27, P. L. 324.
33) 1928, May 2, P. L. 1278, as amended 1935, April 18, P. L. 46, Art. VIII (i). See below.
34) 1919, July 8, P. L. 784, as amended
35) 1937, May 28, P. L. 1053, Art. I, Sec. 2.
36) ib., Art. II, Sec. 202.
37) 1913, July 26, P. L. 1374, Art. III, Sec. 3.
38) 1874, April 29, P. L. 73, Sec. 34, Cl. 7; Cf. 1857, March 11, P. L. 77, Sec. 16.
39) 1889, May 23, P. L. 277, Art. XII, Sec. 1.
40) 1931, May 29, P. L. 215.
41) ib., Art. II, Sec. 20-35.
42) ib., Art. III, Sec. 70-71; Art. IV, Sec. 80-101.

43) Municipal Authorities Act, 1935, June 28, P. L. 463, as amended 1937, May 20, P. L. 739.
44) ib., Sec. 2.
45) ib., Sec. 4.
46) See p. 74-76.
47) In the original (1935) Municipal Authorities Act, "low cost housing projects" were included. However, in the 1937 amendment the first three words, "low cost housing", were deleted, in order that there should be no confusion with the Housing Authorities Act, 1937, May 28, P. D. 955.
48) ib., Sec. 4.
49) ib., Sec. 15.
50) ib., Sec. 11.
51) ib., Sec. 7.
52) General State Authority Act, 1935, June 28, P. L. 452; amended by 1937, May 18, P. L. 676, and 1937, June 4, P. L.
53) Also known as the Second Class County Authority Act; 1933 Sp. Sess., December 27, P. L. 114.
54) 316 Pa. 65 (1934).
55) Article IX, Sec. 8.
56) 1935, June 28, P. L. 452.
57) "Kelley vs. Park et al," 320 Pa. 449 (1936). Art. IX, Sec. 4 of the Constitution limited the state debt to one million dollars. As Justice Drew pointed out in rendering the court's decision, Section 4 is in many respects similar to Section 8 of the same article, which limited local debt, and which was in point in the Tranter case.
58) The General State Authority Act was amended in regard to this point by Section 9 of 1937, May 18, P. L. 676; and the Municipal Authorities Act by Section 9 of 1937, May 20, P. L. 739.

See Remarks of Senator Marshall L. Shepard of Philadelphia (Legislative Journal, Session of 1937, Vol. 21, p. 3653) on reasons for quick passage of the Municipal Authorities Act Amendment.
59) "Williams vs. Samuel et al," 332 Pa. 265 (1938-1939).
60) 1929, May 2, P. L. 1278, Art. VI, Sec. 510.1, added 1937, June 25, P. L. 2129, Sec. 3.
61) Sec. 510.7.
62) Sec. 510.3 - 510.6, 510.8, 510.10 - 510.12.
63) 1937, July 1, Act of General Assembly No. 504, Sec. 1.
64) See Chap. I, p. 4 et seq.
65) Administrative Code, 1929. April 9, P. L. 177, as amended, Sec. 1822 (c).
66) ib., Sec. 1803 (g).
67) ib., Sec. 1805.

CHAPTER IV

Summary

Actual and suggested sources of funds for acquiring and financing community forests were set forth in this chapter. The problems and advantages in the use of these sources were appraised. If a local government relied upon its own means, it could acquire land, labor and capital cheaply through gift, employment of local relief workers, and appropriation or purchase of tax lands. More expensive means were furnished through ordinary budget expenditure, borrowing, and eminent domain.

In Pennsylvania the Commonwealth offered aid to localities in the form of reduced prices for nursery stock, and free labor under terms of the Pierson Act. New York State furnished seedlings without cost, while Wisconsin subsidized county forests. These and other plans were suggested for possible adoption or adaptation in Pennsylvania.

The principal existing sources of technical assistance from the federal government was the United States Forest Service. Other agencies of a like nature were found in the United States Department of Agriculture and Department of the Interior. The W. P. A., N. Y. A., and C. C. C. offered grants of money for labor. Other possible sources of federal subsidy were the Public Works Administration and Reconstruction Finance Corporation. Forest credit banks and federal loans have been suggested to help finance community woodlands.

CHAPTER V

Summary

A major difficulty encountered in this chapter was the lack of complete financial information on the past operation of the tracts studied. Although there were a few exceptions, records were not usually maintained. For that reason conclusions as to the future possibilities of community forests in Pennsylvania were tentative.

This chapter considered the problem of obtaining revenue from local government forest projects. It presented the methods which could be used to earn income; offered the experience of European tracts as a criterion for sustained-yield timber projects in this country; compared the results of sample communities in the United States with Europe; and inventoried the obstacles involved in developing Pennsylvania properties to that standard. In regard to the methods for obtaining revenue, illustrations were given of the financial operation of sustained-yield timber farms, recreational woodlands and watershed properties. In several instances the experiences of national and state projects, and private enterprises were noted. From communal properties in Germany, France and Switzerland it was possible to develop three criterions for the improved operation of projects in the United States: (1) Each acre should provide the maximum net return per year, as close to the European average as American conditions would permit. (2) The forest should materially reduce the burden of taxes, and possibly pay for all local government services. (3) The forest investment should be safe, and the tree growth, or "interest" on the timber investment, should be steady and continuous during a considerable period of time.

The financial histories of seven sample tracts in New England and Pennsylvania were presented, and the factors contributing to the success or lack of success of these projects were analyzed. Projects in New England were sampled together with those in Pennsylvania, as they contained a type of timber stand which was characteristic of a large part of this state. None of the Pennsylvania forests measured up to the standard of the European ones, although three of the New England forests met one or two of the criterions indicated by European woodlands for a limited period of time. Danville and Warner, New Hampshire, and Essex Junction, Vermont, produced continuous revenue for a number of years. The first of these was particularly to be noted for there was scattered information regarding the sale of timber from this tract from 1790 to 1829 and a detailed and fairly accurate record of production from 1829 to 1903. During the latter period it produced $2.00 an acre per annum from the sale of wood alone. This was the maximum productivity of the soil which would be expected of a forest in the northeastern states. However, in the later years of its history the Danville forest became more and more irregular in its production, and during the past generation it harvested no timber at all. It was also to be noted that all of the tracts have produced revenue at one time or another; and that Warner and Essex Junction earned a net profit above all costs of production. Thus all of the forests have made progress in the direction of the other two standards derived from the European experience. That is they made progress in the direction of obtaining the maximum net income per acre, and of alleviating the local tax load.

The fact that they had achieved some degree of success, indicated that they might move further along the road to the European level, provided that correction could be made to the mistakes revealed in their financial history, and that other problems facing community foresters were solved. These obstacles could be classed as silvicultural, economic, administrative, and those pertaining to public opinion. Significant examples of each kind of obstacle included quality of soil, changing market trends for wood products, inexperience of local government officials, and community conservatism and suspicion of innovations.

CHAPTER VI

CONCLUSION

This report has been written for community planners, municipal officials, civic and business associations, and lay leaders. Its purpose was to present information basic to the development of an expanded community forests program. A detailed list of objectives was outlined at the outset of the study, in order to indicate the lines along which the inquiry would be pursued.[1] Among the points to be considered were the desirability and feasibility of community forests in Pennsylvania, the present development of a scientific forestry program, and the legislation which permitted future development.

What conclusions can be drawn from the investigation relative to the subjects indicated at the beginning of the report? The following paragraphs represent an attempt in that direction.

Services Offered by Community Forests

Community forests and woodland parks were found to be local government timber tracts which offered the public multiple and diverse services. The functions which they performed included use as timber farms, game conserves, recreational parks and watersheds. It was noted that the benefits received were not confined to silviculture and physical use, but that they also had a bearing upon important economic, political and social questions. For example one forest in Switzerland supplied the village which owned it with roads, water, schools, medical attention and other services. The services and revenue received were so large that the citizens of the town paid no local taxes. In Pennsylvania on the other hand, a 6700 acre tract lay idle, although it had been given to the City of Philadelphia with the provision that its revenue should be used to purchase coal for the city's poor.[2]

Development in the United States

Had community forests developed in the United States as much as they had in other countries? There was a vast difference between America and Europe, with the balance decidedly in the favor of the latter. In the United States local governments owned only 0.48 per cent of the total forest area, while in many continental countries large portions of the forest acreage were owned by municipalities. Indeed Swiss cantons and communes owned 75 per cent of the total wooded area. The same difference was also apparent in the manner in which forests were exploited and managed, here and abroad. Since the development of community woodlands in the United States was so far behind that of foreign nations, the community forests situation in this country was significant primarily for its potentialities under a program of expanded development and improved administration. Existing tracts in the United States were less significant when the services which they now rendered, were considered.[3]

Progress in Pennsylvania

Although Pennsylvania did not manifest outstanding leadership in the economic development and scientific exploitation of its municipal properties, its development was slightly ahead of the nation as a whole. The establishment of forest properties had begun at an earlier date, and progress in acquisition was more extensive than most states with certain exceptions such as

Wisconsin and New York. Pennsylvania was known to have one hundred community forests with an area of 83,000 acres. It was estimated that a larger number of woodlands with an area almost equal to 83,000 acres, had not been reported. In addition there were thousands of acres of deliquent tax land held by counties which had not been completely inventoried, and which might possibly be classed as community or quasi-community properties.

To what types of economic exploitation were community forests subjected? and what classes of political units owned and exploited them? Although all municipal lands had multiple use, the manner in which they were administered showed that not all their economic and social values were clearly recognized by the public and governmental units. Although professional foresters saw timber farming as the most important use for local government woodlands, communities themselves generally chose watershed protection and recreation as the reasons for establishing forests. Two large tracts of land owned by the City of Philadelphia had been lumbered in the past, but they were at present devoted largely to the growth of scrub stock. In regard to the type of unit which owned community forests, it was found that boroughs and cities had the greatest number of tracts with the most extensive acreage. Although schools were known to have planted lands not owned by the school districts, there was no record of the establishment of recreational and demonstration forests on school owned property.[4]

Tax Deliquent Land

The problem of tax deliquent land deserved more attention than it had been given in the past. It was estimated that counties in Pennsylvania held 412,101 acres of such land awaiting sale at tax auctions. Although the County Forests Act of 1933 and other legislation permitted communities to buy delinquent forest land, or to appropriate it without cost, there was no record of the establishment of community forests by such means. However New England towns and the Pennsylvania Department of Forests and Waters offered examples of the saving possible through acquistion of tax land.[5]

Effects of Population and Wealth on Community Development

Important considerations arose in connection with the population and wealth of units possessing tracts. The evidence available showed that political units with the largest population tended to own the greatest amount of forest land. Moreover most community woodlands had been established in regions of dense population and great wealth. In such areas there was the greatest social need for watershed protection, recreation and wood supply. At the same time, the federal and state governments were handicapped in acquiring land there because of high real estate values.

The United States and Pennsylvania forest services owned large blocks of land in the mountainous and thinly populated counties of the State. These were economic and social "Problem Areas" which had been devastated by the lumber boom. Although they appeared a logical place to start a community forest program, the Problem Areas were not even able to support the cost of their local government services. With industry and population receding, these areas lacked the resources to finance a new venture, such as community forestry. It was evident, then, that the densely populated sections were better suited for a program of independently sponsored woodlands. The Problem Areas, on the other hand, had more idle forest land available for community administration, provided that financial aid could be received from the outside.[6]

Legislation, Its Significance and Its Adequacy

Whichever financial course might be followed in the future, the statutes on the law books allowed freedom of action, and flexibility in administration. While most of the acts under which woodlands could be established, were not designed primarily for sustained yield timber farming, many alternative means were provided. For if a community were restricted by one law, it could find power to act under another statute. Concerning commonwealth-community relations, it was noted that state control was not obligatory in all cases, but that numerous provisions were made for cooperation and technical aid on the part of state officials.[7]

It was found that there was a marked lack of unity in the laws. Statutes covering different classes of units contained wide divergence in regard to the powers granted communities in the acquisition of land and other matters. These differences of power had little relationship to the class of government. For example counties were more restricted in some phases of forest acquisition than were second class townships. Omissions and differences in the statutes, were evidence of the lack of an active pressure group interested in community forestry over an extended period of time. A problem was consequently presented, which a stronger community forestry movement might have to meet in the future.[8]

Procedure for Acquiring and Financing Tracts, Actual and Proposed

The ideal procedure for financing the operation of community woodlands and the acquisition of additional land, was to reinvest part of the profits from annual timber cuttings. This, however, presupposed an original purchase of land through some device, and the successful management of this land over a period of time sufficient to amortize the investment. Since Pennsylvania's forests had not reached that point, inquiry was made as to the procedures now available, and the improved practices which have been recommended. Methods for financing development could be grouped according to their source and the degree of expense involved. Among the more inexpensive means of acquiring land, labor and management from community resources, were private gifts by public spirited citizens and voluntary work by men with the necessary skills. The appropriation of tax delinquent lands under the legislation on the statute books, has been noted as an economic local source. Cash purchase on the open market meant that the community had to have a surplus in its treasury from past years; that it would have to economize on other expenditures; or that it might have to raise the tax rate. If the money for land or services were borrowed, an added burden of interest would be imposed on the treasury. However, it was obvious that the relative expense in financing the operation depended on the type of land purchased, and the resources which the community had in terms of trained officials. It would be cheaper to borrow money to buy a good piece of forest land, than to accept a poorer strip which required a higher cost for maintenance and furnished a mediocre return.

If the community could not be self-sufficient in financing its property, there was opportunity for it to receive aid from the federal and state governments. Localities such as the Problem Areas of Pennsylvania could receive technical advice on proper administrative procedures from a number of branches of the United States and Pennsylvania governments. During the prewar period, both levels of government also offered the services of emergency relief labor. Among the ideas proposed for further subsidy were the Wisconsin plan for aiding forests created from tax delinquent land; and the various proposals in the Bankhead Bill for federal credits and subsidies.[9]

Problems in Obtaining Revenue from Pennsylvania's Forests

In Europe, Communities were able to finance their own forest administrative costs, and to return a net profit to the community which averaged about $5.00 an acre per annum. This income was regular and dependable over a long period of years. Sample tracts studied in New England and Pennsylvania showed that some progress had been made in these states. Although the New England forests were on the whole better than those in Pennsylvania, they showed that forests containing timber stands similar to those in this state could be well managed with proper administration and an intelligent community attitude. Only one of the American tracts received an income which could be compared with the general average for Europe, when considered in the light of United States market conditions. Danville, N. H. produced a net income of two dollars an acre for three-quarters of a century. None of the American woodlands produced as regular a yeild as those of Europe. Moreover, no case was found where all local taxes were paid from a community forest in New England or Pennsylvania.

Several obstacles prevented development. One of the most fundamental was the lack of complete statistical and financial data regarding community forests and forestry in general. This hindered planners in creating a rounded and solid program to overcome these obstacles. Other problems fell under the heading of silviculture, economics, administration and public opinion. It has been noted that the possible benefits from community woodlands and recreational forests had social implications which extended beyond the growing of trees or the provision of camping spots. By the same token, the problems involved had social effects of equal breadth. If the local forest management, with the help of interested citizens and research workers, could find the means to overcome these problems, progress could be made toward the model presented by European communities.[10]

Summary: Basic Factors in a Community Forests Program

What findings were reached for the development of a forest program? It was found that although properly administered community forests could offer numerous economic and social benefits to Pennsylvania, the movement was little more than embryonic. Important evidences of this fact were the comparatively small acreage in community ownership, inadequate management, non-existence of school properties, lack of unity in the legislation, failure to use the County Forests Law in utilizing idle, tax-delinquent land, and carelessness in maintaining administrative records. Progress to a stage of higher development was handicapped by the forestry and social problems discussed above. At the same time there were factors which indicated progress could be made. Some of these germs of future growth were simply different aspects of the adverse problems and situations which have been mentioned.

The more favorable circumstances included the moderately successful experience of projects such as Danville in New Hampshire, and the Allegheny National Forest in Pennsylvania; the large number of federal and Pennsylvania state laws permitting the operation of forests and parks and offering aid in their development; the fact that school districts presented virgin territory for expansion; the financial resources of the larger municipalities in the more densely populated regions; the dormant land and forest resources of the more sparsely settled problem areas; and the opportunity presented by tax-delinquent land in the Alleghenies, the hard coal region, and other sections of the Commonwealth. Here then

were the basic materials for the creation of a plan for expanded acquisition, intensified administration, and increased exploitation according to the rules of forestry and governmental science.

1) See p. 1
2) See Chapters I and V; and Objectives a and f on p. 1.
3) See Chapters I, II and V; and Objective a, p. 1.
4) See Chapters II and V; and Objectives b, e and f, p. 1.
5) See Chapters II, III, IV and V; and Objectives b, c and d, p. 1.
6) See Chap. II.
7) Of course this aid depended on the time and resources which were available to Commonwealth officers.
8) See Chap. III; and Objective c, p. 1.
9) See Chapters IV and V; and Objectives a, c, d, e and f, p. 1.
10) See Chapters I and V; and Objectives a, b, e, and f, p. 1.

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